



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

B

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/384,931 08/26/99 ROBINSON M. D.

L ROB-301

┌
QM32/0405
KOLISCH HARTWELL DICKINSON MCCORMACK
& HEUSER
200 PACIFIC BUILDING
520 S W YAMHILL STREET
PORTLAND OR 97204

EXAMINER

WONG, S

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 04/05/01

S

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/384,931

Applicant(s)

Robinson

Examiner

Steven Wong

Group Art Unit

3711



☒ Responsive to communication(s) filed on Jan 25, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 and 24-43 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 33 and 37-40 is/are allowed.

☒ Claim(s) 1-18, 24-31, 34-36, 41, and 43 is/are rejected.

☒ Claim(s) 32 and 42 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3711

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to recite that the putting indicia identifies a non-estimated path along which a golf ball will travel. Pages 23 and 24 detail the method for obtaining the putting indicia, however, the method is never described as being non-estimated. Further, it would appear that some amount of estimation is involved in this method as the user measures the path of the propelled golf ball.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added limitation “non-estimated” is considered to be new matter

Art Unit: 3711

for claims 1 and 13. The originally filed specification fails to recite that the putting indicia identifies a non-estimated path along which a golf ball will travel.

Claim Rejections - 35 USC § 102

5. Claims 1-3, 9, 10, 13-15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Zoretic et al. Regarding claim 1, Zoretic et al. disclose a representation of a green (40) and a plurality of indicia (60, 62) which identify a path along which a golf ball will travel when putted. Attention is drawn to column 7, lines 50-59 which detail the method for recording the path of the golf ball. The golfer records the path of the golf ball on the rectilinear grid (42). This viewing and recording the of the path of the golf ball does not constitute an estimation of the path by the golfer.

Regarding claims 2 and 3, as the indicia of Zoretic et al. represent putts of the golfer and a golfer is inherently capable of making both straight and curved putts, the putting lines are seen as inherently teaching both a straight and curved putt line.

Regarding claim 9, Zoretic et al. note that path (60) is a reminder of the slope features of the particular portions of the green (column 9, lines 31-33). Thus, the path is seen as providing elevation indicia depicting the topographical profile of the green.

Regarding claim 10, note column 9, lines 21-38 of Zoretic et al. which state that the paths (60, 62) are utilized to indicate to the golfer the slope direction of the green.

Art Unit: 3711

Regarding claims 13 and 14, note the rejections of claims 1 and 9 above. Further, Zoretic et al. provide the device as a booklet with representations of each of the greens.

Regarding claim 15, note the rejection of claim 6 above.

Regarding claim 17, note the rejection of claim 3 above.

Regarding claim 18, note the rejection of claim 4 above.

Claim Rejections - 35 USC § 103

6. Claims 5, 7, 8, 11, 12, 16, 24-31, 34-36, 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoretic et al. Regarding claim 5, because the indicia represents the path of the putted golf ball, the path is obviously determined by the trajectory of the ball. Also, regarding the limitation that the method be determined by other than manually putting the golf ball along the green, it would have been obvious to one of ordinary skill in the art to include a player's chips onto the green from the fringe of the green in order to further indicate the paths of the chipped golf balls.

Regarding claims 7, 8 and 16, note column 6, lines 56-60 which teach that additional comments on the physical features and/or playing conditions of the golf hole may be recorded. Thus, it would have been obvious to one of ordinary skill in the art to have the golfer record the average speed of the green in order to permit consideration of this data during future putts on the green.

Art Unit: 3711

Regarding claims 11, 12, 35 and 36, a plurality of straight line paths would indicate the line of travel for a golf ball regardless of which direction the ball is putted and the position of the golf ball on the path. It would have been obvious to one of ordinary skill in the art to provide a plurality of straight line paths on a green in order to indicate the golf ball paths on a green which is flat.

Regarding claim 24, Zoretic et al. disclose creating the topographical representation of a green and determining and projecting the plurality of paths on the topographical representation. Also, note the rejection of claim 5 above wherein it is stated that it would have been obvious to provide the path of chip shots on the green representation of Zoretic et al.

Regarding claim 25, Zoretic et al. provide a representation for each of the greens at a particular golf course.

Regarding claims 26 and 27, Zoretic et al. provide the device to accomplish the recited method steps.

Regarding claims 28 and 29, Zoretic et al. teach the repeated putting of a ball along the path to study the path of the ball. Thus, Zoretic et al. is seen as obviously teaching for the studying of the path of the ball to determine if the path meets selected criteria. Further, it would have been obvious to one of ordinary skill in the art to provide a straight line path on the green representation in order to indicate a straight line putt.

Art Unit: 3711

Regarding claims 30 and 31, Zoretic et al. note that subsequent putts may be too long or too short (column 9, lines 30-38). Thus, Zoretic et al. teaches repeated propelling of the golf ball along the path with different force.

Regarding claim 34, note the rejection of claim 28 above.

Regarding claim 41, note the rejection of claim 24 above.

Regarding claim 43, the amount of force used to chip a golf ball from the fringe is reproducible.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zoretic et al. in view of Maude, Sr. Maude, Sr. reveals a representation of a golf green and putting indicia including a convergence band (18, 20) for indicating a region wherein a putted golf ball will travel to a common terminal location. It would have been obvious to one of ordinary skill in the art to provide the golf green representation of Zoretic et al. with the convergence band of Maude, Sr. in order to indicate the particular grain direction of the golf green.

Response to Arguments

8. Applicant's arguments filed January 25, 2001 have been fully considered but they are not persuasive. Regarding the applicant's argument that Zoretic et al. only present estimated golf ball paths, such argument appears to be based on applicant's subjective opinion. Zoretic et al. particularly states that the golfer putts the ball and then records the path of the golf ball on the aerial representation of the putting green. Zoretic et al. does not state that the golfer estimates

Art Unit: 3711

the path of the golf ball. Thus, it is unclear how the applicant may argue that the paths are estimates when, in fact, the golfer has specifically viewed the path of the putted golf ball and then recorded that path. It appears that applicant is relying on a difference between his method of recording the putted ball path and that of Zoretic et al. which is not relayed merely by the limitation "non-estimated".

Regarding the remarks to claim 4, such remarks are moot in view of the new grounds of rejection of Zoretic et al. in view of Maude, Sr.

Regarding the remarks to claims 11 and 12, as discussed during the interview of December 12, 2000 a plurality of straight lines would inherently anticipate the claimed limitations. It would have been obvious to one of ordinary skill in the art to provide a green representation having straight golf ball paths in order to indicate a golf green which is flat.

Regarding the remarks to claim 13, Zoretic et al. provides a booklet with green representations having putting benchmarks that identify predetermined paths along which the golf ball will travel when putted on the green. Furthermore, Zoretic et al. teaches that path (60) is a reminder of the slope features of the particular portions of the green (column 9, lines 31-33). Thus, the path is seen as providing elevation indicia depicting the topographical profile of the green.

Regarding the remarks to claim 24, note the rejection under 35 U.S.C. 103 wherein it is stated that it would have been obvious to one of ordinary skill in the art to provide the green representation of chip shot paths in order to indicate those paths for future use by the golfer.

Art Unit: 3711

Regarding the remarks to claim 28, note the rejection under 35 U.S.C. 103 where it is stated that it would have been obvious to one of ordinary skill in the art to include straight line paths on the green representation of Zoretic et al. in order to indicate a straight putt by the golfer.

Regarding the remarks to claims 29-31, Zoretic et al. teaches the continued putting of the golf ball on the course in order to meet the selected criteria (putting the golf ball into the hole). Thus, Zoretic et al. teaches for repeating the propelling and studying steps along a different path until the player putts the golf ball into the golf hole.

Allowable Subject Matter

9. Claims 6, 32, 33, 37-40 and 42 appear to read over the prior art of record.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3711

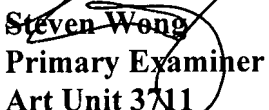
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
April 4, 2001